

IN RE: PETITION FOR ZONING VARIANCE
W/S Propellor Drive, 100' S
of Fuselage Road
(4 Propellor Drive)
15th Election District
5th Councilmanic District
Kenneth L. Skidmore, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 4 Propellor Drive, consists of 5,022 sq.ft. zoned D.R. 5.5 and is presently unimproved. Petitioners are desirous of constructing a single family dwelling on the subject property with a driveway and wheelchair ramp for a disabled family member. Testimony indicated the requested variance is necessary in order to construct a home of adequate size to accommodate the Petitioners' needs and provide ramp access to their home as well. Petitioners testified they have spoken to their neighbors who indicated they have no objections to their plans. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and to deny same would create unreasonable hardship for Petitioners.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. Molan v. Soley, 270 Md. 208 (1974). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unreasonably burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 38 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of October, 1991 that the Petition for Zoning Variance from Section 1802.3.C.1 to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/23/91
By SP

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

October 23, 1991

887-3353

Mr. & Mrs. Kenneth L. Skidmore
32 Box Circle
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
W/S Propellor Drive, 100' S of Fuselage Road
(4 Propellor Drive)
15th Election District - 5th Councilmanic District
Kenneth L. Skidmore, et ux - Petitioners
Case No. 92-83-A

Dear Mr. & Mrs. Skidmore:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

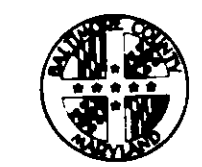
Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

file



Petition for Variance

92-83-A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Ordinance, to permit a rear yard setback of 10 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
- Practical Difficulty: Cannot Fit an Adequately Sized Home on the Lot, with a Driveway on Side that Faces Roadway, and Lot is Over 1/2 Acre in Size. Need a 15 foot rear yard to Health/Habitat Preserve. Cannot Widen Sidings.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Leasee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Kenneth L. Skidmore
(Type or Print Name)

Kenneth L. Skidmore
Signature

Betty J. Skidmore
(Type or Print Name)

Betty J. Skidmore
Signature

32 Box Circle
Address

Baltimore, MD 21221
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

Address

City and State

ZONING DESCRIPTION

92-83-A

Beginning at a point on the east side of Propellor Drive which is 30' 4" wide at the distance of 79' south of the centerline of nearest improved intersecting street (Hydroplane Drive) which is 30' 4" wide. Being Lot #187 Section #2 in the subdivision of Aero Acres as recorded in Baltimore County Plat Book #22, Folio #97 containing 5,022 square foot also known as 4 Propellor Drive and located in the 15th election district.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 10/23/91

Posted for: 15th

Petitioner: Kenneth L. Skidmore

Location of property: 4 Propellor Drive

Location of Sign: 4 Propellor Drive

Remarks: See attached

Posted by: SP Date of return: 10/23/91

Number of Signs: 1

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 92-83-A
W/S Propellor Drive, 100' S of Fuselage Road
(4 Propellor Drive)
15th Election District
5th Councilmanic District
Petitioner(s):
Kenneth L. Skidmore, et ux
Hearing Date: Friday, Oct. 18, 1991 at 8:00 a.m.
Verbatim: to permit a back yard setback of 10 feet in lieu of the required 30 feet.
Zoning Commissioner of Baltimore County
NE/JWS/291 September 28

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/23/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26/91.

THE JEFFERSONIAN,

S. Zebe Orlov
Publisher

3/1/91

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

040140037N1CHRC \$35.00
SA 000334PM08-21-91
Please Make Checks Payable To: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

040140037N1CHRC \$35.00
SA 000334PM08-21-91
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 10/1/91

COPY

Arnold and Betty Skidmore
32 Box Circle
Baltimore, Maryland 21221

RE: Case Number: 92-83-A
250 sq. ft. lot, 1907 S. of Foxglove Road
1 Proposed Drive
15th Election District - 5th Councilmanic
Petitioner(s): Kenneth L. Skidmore, et ux
HEARING: FRIDAY, OCTOBER 19, 1991 at 4:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 56.91 is fee for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office Building, 111 W. Chesapeake Avenue, Room 111, Towson, Maryland 21204. It should have your case number noted hereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

SEPTEMBER 16, 1991

COPY

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Board of and subject to the County will hold a public hearing on the property located at 111 W. Chesapeake Avenue, Room 111, Towson, Maryland 21204 on 10/1/91.

Case Number: 92-83-A
250 sq. ft. lot, 1907 S. of Foxglove Road
1 Proposed Drive
15th Election District - 5th Councilmanic
Petitioner(s): Kenneth L. Skidmore, et ux
HEARING: FRIDAY, OCTOBER 19, 1991 at 4:00 a.m.

Variance to permit a back yard setback of 10 feet in lieu of the required 30 feet.

J. Robert Huica
J. Robert Huica
Zoning Commissioner of
Baltimore County

cc:

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 1, 1991

Mr. & Mrs. Kenneth L. Skidmore
32 Box Circle
Baltimore, MD 21221

RE: Item No. 88, Case No. 92-83-A
Petitioner: Kenneth L. Skidmore, et ux
Petition for Variance

Dear Mr. & Mrs. Skidmore:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 26th day of August, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Kenneth L. Skidmore, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 13, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53
Smith Property, Item No. 64
McClure Property, Item No. 65
Boehnlein Property, Item No. 66
Mark Property, Item No. 68
Baie Property, Item No. 69
Pulaski Property, Item No. 70
Wollschlager Property, Item No. 72
Bray Property, Item No. 74
Graves Property, Item No. 75
Sylvia Property, Item No. 76
Long Property, Item No. 78
Pearl Property, Item No. 79
Casey Property, Item No. 80
Edwards Property, Item No. 81
Tyson Property, Item No. 85
Skidmore Property, Item No. 88
Williams Property, Item No. 89
Restivo Property, Item No. 90
Didier Property, Item No. 97
Wesolowski Property, Item No. 102
Griffin Property, Item No. 103
Burgwin Property, Item No. 104
Ghent Property, Item No. 110
Lingo Property, Item No. 111
Bates Property, Item No. 112
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITEM47/TXT02

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

SEPTEMBER 16, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: KENNETH L. SKIDMORE
Location: #4 PROPELLOR DRIVE
Item No.: 88 Zoning Agenda: SEPTEMBER 3, 1991

Centlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *A. Jerry Gaskin* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 14, 1991

FROM: Robert W. Bowling, P.E.

SUBJECT: Zoning Advisory Committee Meeting
For September 3, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 55, 56, 54, 82, 85, 88, 89, 90, 93, 94, 96, 97, 98, and 99.

For item 84, see the County Review Group comments for the St. Lukes Apartment site.

For item 91, the previous County Review Group and Public Works Agreement comments remain in effect.

For item 92, the previous County Review Group comments remain in effect.

For item 95, see the County Review Group comments for this site.

For item 101, comments are reserved for this site until the County Review Group meeting.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 3, 1991

This office has no comments for item numbers 54, 82, 85, 88, 89, 90, 91, 93, 94, 96 and 97.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 7, 1991

RECEIVED
OCT 10 1991
ZONING OFFICE

TO: ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM # 88
PROPERTY OWNER: Kenneth L. Skidmore, et ux
LOCATION: W/S Propellor Drive, 100' S of Fuselage Rd
(44 Propellor Drive)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 4 PROPELLOR DRIVE BALT. MD.
SUBJECT: AERO ACRES
Map Book 22, Folio 27, Lot 18, Section 2
OWNER: Kenneth L. Skidmore, et ux

See pages 5 & 6 of the CHECKLIST for additional required information


LOCATION INFORMATION
Councilmanic District: 5
Election District: 15th
1"-200' scale map: N.E. 4-H
Zoning: DR-5.5
Lot size: 1.2 acreage 5022 square feet


Zoning Office USE ONLY!
reviewed by: ITEM #: CASE:
JH 88

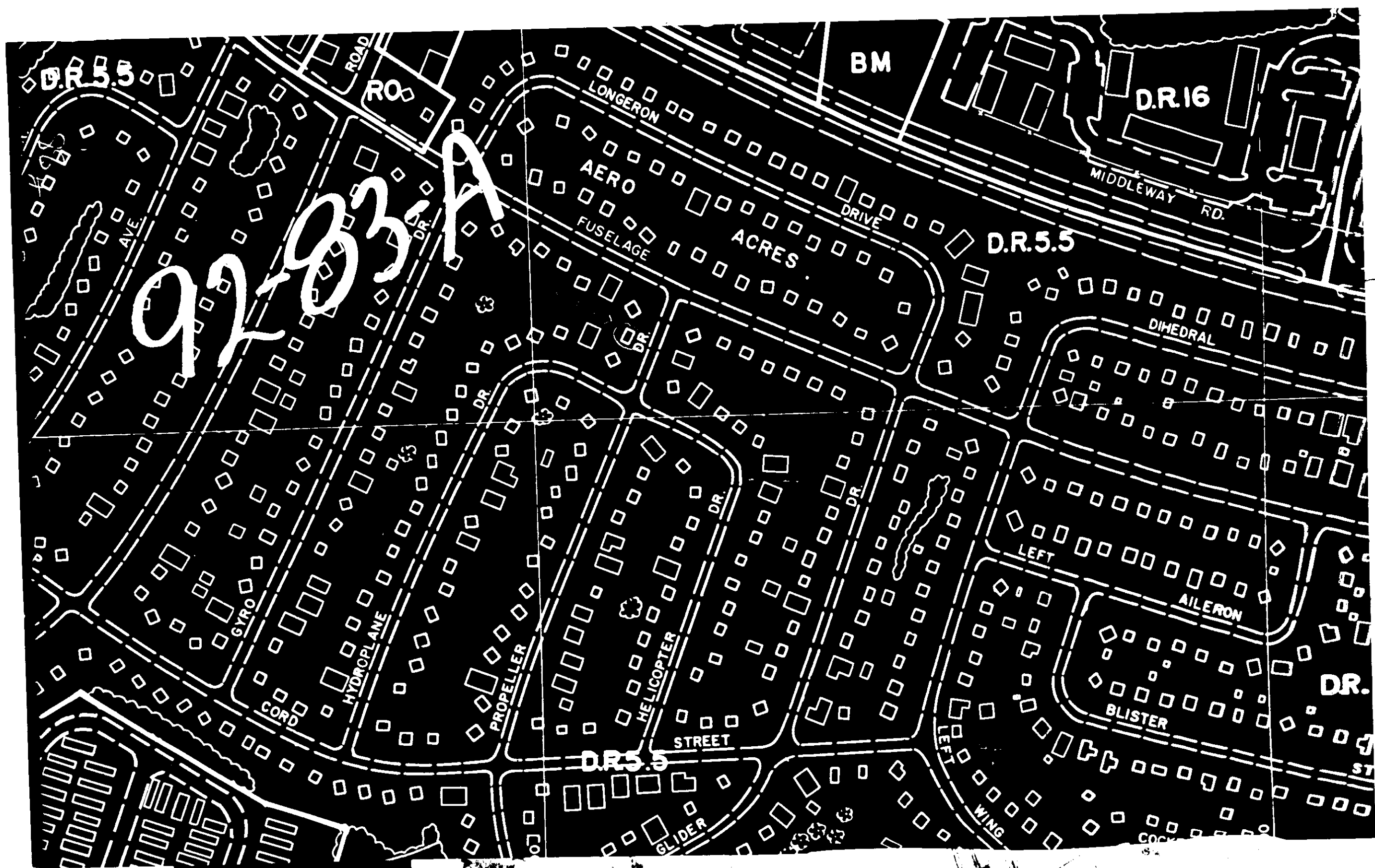
North arrow pointing up
Scale of Drawing: 1" = 50'

92-83-A

CASE NUMBER **92-83-A**
PETITIONER'S EXHIBIT # **2**







BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP **92-83-A**

#88

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

MIDDLE RIVER

N.E.
4-H

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401